

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Glen J. SLADE Atty. Ref.: 34-134; Confirmation No. 9244
Appl. No. 10/588,657 TC/A.U. unknown
Filed: August 7, 2006 Examiner: Unknown
For: DATA STORAGE

* * * * *

October 2, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Applicant submits a copy of the International Preliminary Report on Patentability from the corresponding PCT/GB2005/000309 application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Robert W. Faris/
Robert W. Faris
Reg. No. 31,352

RWF:ejc
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

| | | |
|--|---|--|
| Applicant's or agent's file reference TJF/JY/43155 | FOR FURTHER ACTION | See item 4 below |
| International application No. PCT/GB2005/000309 | International filing date (<i>day/month/year</i>) 28 January 2005 (28.01.2005) | Priority date (<i>day/month/year</i>) 10 February 2004 (10.02.2004) |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | |
| Applicant STEGOSTIK LIMITED | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

| |
|--|
| Date of issuance of this report 14 August 2006 (14.08.2006) |
|--|

| |
|--------------------|
| Authorized officer |
|--------------------|

Dorothée Mühlhausen

e-mail: pt01@wipo.int

| |
|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland |
|---|

| |
|--------------------------------|
| Facsimile No. +41 22 338 82 70 |
|--------------------------------|

PATENT COOPERATION TREATY

REC'D 06 MAY 2005

WIPO

PCT

PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/GB2005/000309

International filing date (day/month/year)
28.01.2005

Priority date (day/month/year)
10.02.2004

International Patent Classification (IPC) or both national classification and IPC
H04L9/00

Applicant
STEGOSTIK LIMITED

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Holper, G

Telephone No. +31 70 340-2304



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000309

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | | |
|-------------------------------|------|--------|------|
| Novelty (N) | Yes: | Claims | 1-63 |
| | No: | Claims | |
| Inventive step (IS) | Yes: | Claims | 1-63 |
| | No: | Claims | |
| Industrial applicability (IA) | Yes: | Claims | 1-63 |
| | No: | Claims | |

2. Citations and explanations

see separate sheet

Re Item V.

- 1 Reference is made to the following documents:
D1 : WO 99/10859 A (SYNCDATA TECHNOLOGIES INC) 4 March 1999 (1999-03-04)
- 2 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):
a method of storing a data set on a storage device carrying a file of random data comprising the steps of selecting a second location (sectors) within the file of random data for storing an encrypted data set and storing the encrypted data at the selected location which is determined by the key.
From this, the subject-matter of independent claim 1 differs in that:
in dependence of a user input passphrase a first location within the file of random data is selected for storing a file index, encrypting the file index and storing the encrypted file index at the first location.
- 2.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).
The problem to be solved by the present invention may be regarded as:
In the prior art the same key is used for encrypting the data and selecting the location for storing the encrypted data. This creates a potential weakness of the steganographic method.
- 2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
The prior art does not suggest the use of a passphrase for selecting a first location for storing an encrypted file index.
- 2.3 Claims 2-40 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- 3 Method claim 61 contains all the features of claim 1 and additionally specifies the use

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2005/000309

of a trial passphrase entered by the user. The subject matter of this claim is therefore also novel and inventive.

- 4 Claim 41 concerns a storage device carrying a data set encrypted and hidden according to the method of claim 1.
- 5 Claim 59 concerns a method for extracting a data set stored on a storage device according to claim 41.
- 6 Independent claims 52, 60, 62 and 63 concern a computer for implementing the steps of the method according to claim 1, the method according to claim 59, a computer program for carrying out the said methods and a computer readable data carrier storing such a program, respectively. Therefore said claims are also considered as involving an inventive step (Article 33(3) PCT).
- 7 All claims are industrially applicable (Article 33(4) PCT).